

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-M-33143-2023

Date of decision: 18.07.2023

Happy Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0033 dated 09.03.2023 under Sections 420, 465, 467, 468, 471 and 120-B of the IPC registered at Police Station Sardulgarh, District Mansa.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 09.03.2023 for offences which are triable by Magistrate. It has been submitted that totally false allegations have been levelled against the petitioner of having misused the seals and signatures of the Tehsildar of Sardulgarh and thereafter having issued various documents. It has further been submitted that similarly situated co-accused Vikas Garg @ Rubi who was running a photostat shop in the premises of the Tehsil Complex had since been extended the concession of bail by this Court vide order dated 16.05.2023. Learned counsel has also submitted that investigation is complete and there is no likelihood of the trial concluding in the near future as the charges have not yet been framed and still further as many

as 14 prosecution witnesses have been cited by the investigating agency.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, has not been able to dispute that the case of the petitioner is at par with that of co-accused Vikas Garg @ Rubi who had since been extended the concession of bail. Learned State counsel has, however, submitted that the petitioner is involved in 02 other criminal cases though the same are under Sections 379/411 of the IPC in which the petitioner has been extended the concession of bail.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 09.03.2023 for offences which are triable by Magistrate. The trial is unlikely to conclude in the near future as none of the prosecution witnesses have been examined so far, therefore, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.07.2023

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(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No